

PATENT APPLICATION NO. 10/083,481
DOCKET NO. 29273/559

and rejects claims 8 and 13 under 35 U.S.C. § 103 over Feuerbaum in view of Todokoro. These rejections are respectfully traversed as they may be applied to the amended claims.

Claim 1 recites changing the magnitude of the retarding voltage based on the nature of the specimen. Likewise, claim 9 recites said power supply applies a magnitude of said retarding voltage to said specimen based on the nature of said specimen. It is respectfully asserted that none of the applied references disclose or suggest changing the magnitude of the retarding voltage based on the nature of the specimen. In the previous Office Action, it is asserted that this feature is inherent in Feuerbaum. This assertion is traversed. A teaching of inherency requires that the teaching must necessarily be so. It is respectfully submitted that Feuerbaum has no teaching that the magnitude of the retarding voltage would be changed based on the nature of the specimen. If the Examiner disagrees, he is respectfully requested to point out where such a teaching is present in the reference, or how such would necessarily be so.

For at least these reasons, it is submitted that claims 1 and 9 and all claims dependent therefrom, are not anticipated by or obvious over the applied references.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

The Office is authorized to charge any fees due under 37 C.F.R. § 1.16, 1.17 and 1.136 to Deposit Account No. 11-0600.

Should there be any questions concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney.

Respectfully submitted,


David Zibelli
Registration No. 36,394

Dated: April 7, 2003

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
(202) 220-4200
(202) 220-4201
DCO 449642 v1

BEST AVAILABLE COPY

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please cancel claims 2, 3, 14 and 15.

Please amend claims 1, 4, 9 and 16 as follows:

1. (Amended) An inspection method for detecting a defect of a specimen by using an electron beam, said method comprising the [step] steps of:

deflecting said electron beam set at least 100nA beam current by taking a crossover as a fulcrum;

applying a retarding voltage for decelerating the electron beam to said specimen; and
changing the magnitude of said retarding voltage based on the nature of said
specimen.

4. (Amended) An inspection method using an electron beam according to claim [3] 1, further comprising the steps of:

scanning said specimen by using said electron beam; and

detecting charged particles emanating from said specimen and converting said detected charged particles into an electrical signal.

9. (Amended) An inspection apparatus for detecting a defect of a specimen by using an electron beam, said apparatus comprising:

an electron source for drawing the electron beam set to at least 100nA of beam current;

a convergence lens for converging said electron beam so as to form a crossover between said convergence lens and said specimen; [and]

a deflector for deflecting said electron beam by taking a crossover as fulcrum; and

PATENT APPLICATION NO. 10/083,481
DOCKET NO. 29273/559

a power supply applying a retarding voltage for decelerating the electron beam to the specimen, wherein said power supply applies a magnitude of said retarding voltage to said specimen based on the nature of said specimen.

16. (Twice Amended) An inspection apparatus using an electron beam according to claim [15] 9, wherein an electron set at a positive electric potential with respect to said deceleration voltage is provided between said specimen and said charged particle detector.